

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ERIC V. SHELBY,

CV 04-336-AS

Petitioner,

ORDER

v.

JEAN HILL,

Defendant.

MARSH, Judge.

Magistrate Judge Donald C. Ashmanskas filed his Findings and Recommendation on May 13, 2005. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v.

Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner filed timely objections. I have, therefore, given the file of this case a *de novo* review. I find no error. Accordingly, I ADOPT the Findings and Recommendation (#38) of Magistrate Judge Ashmanskas. Petitioner's Petition for Writ of Habeas Corpus (#2) is DENIED.

IT IS SO ORDERED.

DATED this 22 day of June, 2005.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge